

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS (BOSTON)**

IN RE:

John Malone,

Debtor.

Case No: 24-10885 (CJP)
Chapter 13

Re: Doc. 106

**RESPONSE TO DEBTOR’S MOTION FOR ENTRY OF ORDER AUTHORIZING AND
APPROVING PRIVATE SALE OF PROPERTY OF REAL ESTATE FREE AND
CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES**

COMES NOW, Shellpoint Mortgage Servicing, as servicer for Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2020-1 (“Creditor”) and in support hereof, states as follows:

1. On May 8, 2024, the Debtor commenced this case by filing a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code.
2. On January 2, 2025, the Debtor filed a Motion for Entry of Order Authorizing and Approving Private Sale of Property of Real Estate Free and Clear of Liens, Claims and Encumbrances (at Doc.106) for the real property located at 26 Savin Hill Avenue, Dorchester, Massachusetts 02125 (“Property”).
3. On January 13, 2025, the Notice of Intended Private Sale of Property, Solicitation of Counteroffers, Deadline for Submitting Objections and Higher Offer and Hearing Date was filed (at Doc. 109),
4. Creditor is a secured creditor that holds a first lien mortgage against Property and Debtor is the obligor on the said mortgage.

5. NewRez LLC dba Shellpoint Mortgage Servicing fka Specialized Loan Servicing LLC services this loan.

6. The Motion requests permission to sell the Property for \$240,000.00 with a proposed closing date of January 23, 2025.

7. The estimated amount due to Creditor good through January 28, 2025, is \$141,573.87.

8. Creditor does not per se object to the Motion, so long as:

- i. the underlying loan is being paid in full as stated in a current payoff amount good through the date of closing;
- ii. adequate protection payments are made prior to the completion of the proposed sale;
- iii. any sale amount short of the full payoff is subject to Creditor's preapproval;
- iv. Creditor is not required to release its lien until the outstanding mortgage loan balance is paid in full; and
- v. the proposed sale be completed within six (6) months from the date of the Order Granting this Motion.

9. Additionally, Creditor requests the Order Granting this Motion to expressly provide authority for Creditor and its counsel to communicate with Debtor, Debtor's Attorney, the title company, escrow officer(s), and/or closing agent(s) to ensure the proposed purchase-sale transaction is completed appropriately.

10. Lastly, Creditor requests that the Order Granting this Motion state the date and time of the closing, to avoid any ambiguity as to when the closing will take place.

WHEREFORE, Creditor prays that the Court allow the sale of the Property, provided Creditor's first lien mortgage is paid off in full from the proceeds of the sale, any amount short of the full payoff is subject to Creditor's prior approval, Creditor shall have the right to communicate directly with all parties necessary to complete the purchase-sale transaction, Creditor is not required to release its lien until the same is fully satisfied, and for all other relief the Court deems appropriate.

Dated: January 22, 2025

Respectfully submitted,

/s/ Brian M. Kiser
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CERTIFICATE OF SERVICE

I, Brian M. Kiser of Marinosci Law Group, P.C., do hereby certify that on January 22, 2025, I served a copy of the *Response to Debtor's Motion for Entry of Order Authorizing and Approving Private Sale of Property of Real Estate Free and Clear of Liens, Claims and Encumbrances* and supporting documents on the attached service list by mailing a copy of same by first class mail, postage prepaid or other method specified on service list.

Date: January 22, 2025

Respectfully submitted,

/s/ Brian M. Kiser

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SENT VIA ECF:

Glenn F. Russell, Jr., Esq., on behalf of the Debtor

Richard King- B., on behalf of the Assistant U.S. Trustee

Carolyn Bankowski, Esq., on behalf of the Trustee

Marcus Pratt, Esq., on behalf of Creditor, The Bank of New York Mellon FKA The Bank of New York, as successor Trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the certificateholders of the CWHEQ Inc., CWHEQ Revolving Home Equity

Jason Giguere, Esq., and Joseph Dolben, Esq., on behalf of Creditor Federal Home Loan Mortgage Corporation, as Trustee for the benefit of the Freddie Mac Seasoned Credit Risk Transfer Trust, Series 2020-1

SENT VIA US REGULAR MAIL

John Malone, 28 Savin Hill Avenue, Dorchester, MA 02125, Debtor

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